

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12677, of Reginald T. Lee, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to permit construction of a single family dwelling in the R-4 District at the premises 708 - 12th Street N.E., (Square 982, Lot 22).

HEARING DATE: June 28, 1978
DECISION DATE: July 5, 1978

FINDINGS OF FACT:

1. The subject site is located in the R-4 District and is known as 708 - 12th Street, N.E.
2. Surrounding uses consist of single family row dwellings.
3. The applicant proposes to build one single family row dwelling on an existing foundation that extends into the required rear yard by six feet.
4. On March 16, 1978, building permit No. B258657 was approved for construction of a row dwelling which conformed with the rear yard requirement of twenty feet.
5. On April 6, 1978, building permit No. 259053 was issued authorizing a revision to the original permit (B-258657). The revision authorized use of the existing six-inch concrete floor in the basement area which covered the full width of the lot and extends back from a depth of thirty-six feet. The permit did not authorize the construction of the house for the full depth of that foundation as it would encroach into the required rear yard.
6. The existing foundation provides for only a fourteen foot rear yard. The regulations require a twenty foot rear yard in an R-4 District. The applicant thus seeks a variance of six feet for the rear yard requirement.

7. The dwelling has been partially constructed in the rear yard.

8. There was a house previously existing on the lot which covered the same area as the proposed dwelling. That house was condemned and demolished.

9. There was no opposition to the case.

10. Advisory Neighborhood Commission 6A was notified but made no recommendation on the application.

CONCLUSIONS OF LAW:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the existence of the original foundation creates an exceptional condition for this lot. The Board concludes that to require the applicant to construct a new foundation and not to use the existing one would create a practical difficulty. The Board concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Regulations, Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 3-0 (Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to GRANT, Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 AUG 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.